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CALIFORNIA STEM CELL CASE ADVANCES

Appellate Court denies petition for rehearing

SAN FRANCISCO, March 20, 2007 – The First District Court of Appeal for the State of California today issued an order denying two petitions for rehearing, in the litigation challenging the constitutionality of the state's landmark stem cell program and the California Institute for Regenerative Medicine (CIRM), the agency created to manage the project.

The Appellate Court ruled unanimously on February 26th that the California Stem Cell Research and Cures Act (Proposition 71) "suffers from no constitutional or other legal infirmity."

Plaintiffs – the California Family Bioethics Council, along with the People's Advocate and National Tax Limitation Foundation, represented by the Life Legal Defense Foundation – had filed for a rehearing on March 13, 2007. If the plaintiffs wish to appeal, they must file a petition for review with the state Supreme Court by April 6, 2007. The Supreme Court then has 90 days to decide whether to accept the case.

"One by one, we are clearing the legal hurdles that are delaying the issuance of bonds to fund stem cell research," said Robert N. Klein, chairman of the CIRM governing board. "We are absolutely confident in the strength of our legal position. Our opponents have not prevented us from pursuing the will of 7 million California voters. We are, however, anxious to access the bond market and fully fund the essential research that holds such promise for patients and families across the nation and throughout the world."

Last summer, Governor Arnold Schwarzenegger authorized a \$150 million loan from the state's general fund to the CIRM, and private philanthropists provided an additional \$45 million in loans. That funding led to the approval of 72 grants totaling nearly \$45 million for embryonic stem cell research at 20 California institutions in February. This past week, more than \$75 million in additional grants were approved, making the CIRM the world's leading funder of human embryonic stem cell research.

About CIRM

Governed by the ICOC, CIRM was established in 2004 with the passage of Proposition 71, the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provided \$3 billion in funding for stem cell research at California universities and research institutions, was approved by California voters, and called for the establishment of an entity to make grants and provide loans for stem cell research, research facilities, and other vital research opportunities. For more information, please visit www.cirm.ca.gov.

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